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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

AFFINITY CREDIT UNION et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. 4:22-cv-04174-JSW

**ORDER GRANTING STIPULATION
TO MODIFY HEARING DATE ON
MOTION FOR CLASS
CERTIFICATION**

Place: Courtroom 5, 2nd Floor, Oakland
Judge: The Honorable Jeffrey S. White

Re: Dkt. No. 194

1 Plaintiffs Affinity Credit Union, Greenstate Credit Union, and Consumers Credit Union
 2 (“Plaintiffs”) and Defendant Apple Inc. (“Apple”), hereby stipulate and agree, through their
 3 undersigned counsel and pursuant to Civil Local Rule 6-2, to modify the hearing date noticed by
 4 Plaintiffs in their Notice of Motion and Motion for Class Certification. *See* ECF Nos. 97, 98-1.
 5 In support of this Stipulation, the parties state as follows:

6 1. On February 7, 2025, Plaintiffs filed their Motion for Class Certification. ECF Nos.
 7 97, 98-1. Pursuant to this Court’s Standing Order, Plaintiffs noticed a hearing on their Motion for
 8 Class Certification for August 8, 2025. *Id.*

9 2. On May 13, 2025, the parties stipulated to modify the briefing schedule for Apple’s
 10 Opposition to Plaintiffs’ Class Certification Motion (ECF No. 97) and Plaintiffs’ Reply in Support
 11 of Class Certification. ECF No. 136.

12 3. On May 14, 2025, this Court entered an amended case schedule pursuant to which
 13 Apple would file its Class Certification Opposition and Supporting Expert Report(s) by June 18,
 14 2025 and provide related expert backup materials by June 23, 2025 by 5 p.m.; and Plaintiffs would
 15 file their Class Certification Reply and Expert Rebuttal Report(s) by August 19, 2025 and provide
 16 related expert backup materials by August 25, 2025 by 5 p.m. ECF No. 137.

17 4. On June 3, 2025, this Court granted Apple’s request to set a briefing schedule for
 18 its motion to exclude the testimony of Plaintiffs’ class certification expert, Dr. Christopher Vellturo
 19 (“Motion to Exclude Expert Testimony”). ECF No. 142. This Court adopted the following
 20 schedule:

Event	Deadline
Apple’s Motion to Exclude Expert Testimony	June 18, 2025
Plaintiffs’ Opposition to Apple’s Motion to Exclude Expert Testimony	August 19, 2025
Apple’s Reply iso Motion to Exclude Expert Testimony	September 16, 2025

26 5. On June 18, 2025 Apple filed its Motion to Exclude Expert Testimony. ECF No.
 27 143. Apple noticed a hearing on that motion for October 10, 2025 at 9 a.m. or at such other date
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1 as may be agreed upon or ordered by this Court. *Id.* Also on June 18, 2025, Apple filed its
2 Memorandum in Opposition to Plaintiffs Motion for Class Certification. ECF No. 144.

3 6. Because briefing on Plaintiffs' Motion for Class Certification and Apple's Motion
4 to Exclude Expert Testimony will not be complete by August 8, 2025, the parties hereby stipulate
5 and agree to move the noticed hearing on Plaintiffs' Class Certification Motion (currently set for
6 August 8, 2025) to October 10, 2025—the same date as the noticed hearing on Apple's Motion to
7 Exclude Expert Testimony.

8 7. This modification is for the purpose of (1) ensuring class certification is briefed
9 before the class certification hearing, pursuant to the new briefing schedule entered by the Court
10 on May 14, 2025, ECF No. 137, and (2) aligning the hearing dates for Plaintiffs' Motion for Class
11 Certification and Apple's Motion to Exclude Expert Testimony, ECF Nos. 97, 98-1, 143, 144.
12 This stipulation will have no other effect on the case schedule.

13 8. The parties have previously stipulated to the following time modifications: to
14 extend Apple's time to respond to the complaint, ECF No. 15; to set a briefing scheduling for
15 Apple's motion to dismiss the amended complaint, ECF No. 42; to extend Apple's time to answer
16 the amended complaint, ECF No. 65; to amend the case schedule, ECF No. 79; and to modify the
17 case schedule, ECF No. 136.

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19 **IT IS SO STIPULATED.**
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1 Dated: July 9, 2025

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10
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28 *Attorneys for Plaintiffs and the Proposed Class*

~~PROPOSED~~ ORDER

Having considered the Parties' stipulation, and for good cause shown, IT IS HEREBY
ORDERED THAT:

Plaintiffs' Motion for Class Certification (ECF No. 97) will be heard on **Friday, October 10, 2025, at 9 a.m. PT** or as soon thereafter as the matter may be heard.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 10, 2025

By: 

THE HONORABLE JEFFREY S. WHITE
United States District Judge